TITLE 13. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE EMISSION CONTROL REGULATIONS FOR 1995 AND LATER MODEL UTILITY AND LAWN AND GARDEN EQUIPMENT ENGINES

The Air Resources Board (the "ARB") will conduct a public hearing at the time and place noted below to consider amending the regulations and test procedures related to the control of emissions from utility and lawn and garden equipment engines.

DATE: July 28, 1994

TIME: 9:30 a.m.

PLACE: Air Resources Board
Hearing Room, Lower Level
2020 L Street
Sacramento, California

This item will be considered at a two-day meeting of the ARB, which will commence at 9:30 a.m., July 28, 1994, and may continue at 8:30 a.m., July 29, 1994. This item may not be considered until July 29, 1994. Please consult the agenda for the meeting, which will be available at least 10 days before July 28, 1994, to determine the day on which this item will be considered.

INFORMATIVE DIGEST OF PROPOSED ACTION

Sections Affected: Amendment of the following chapters and sections of Title 13, California Code of Regulations (CCR), and the documents incorporated by reference therein; Chapter 9, Off-Road Vehicles and Engines Pollution Control Devices; Article 1, Utility and Lawn and Garden Engines; Section 2400, Applicability; Section 2401, Definitions; Section 2403, Exhaust Emission Standards and Test Procedures and the incorporated "California Exhaust Emission Standards and Test Procedures for 1995 and Later Utility and Lawn and Garden Equipment Engines"; Section 2404, Emission Control Labels - 1995 and Later Utility and Lawn and Garden Equipment Engines"; Section 2405, Defects Warranty Requirements; Section 2406, Emission Control System Warranty Statement; Section 2407, New Engine Compliance and Quality-Audit Testing - New Utility and Lawn and Garden Equipment Engine Selections, Evaluation, and Enforcement Action.

The ARB was granted the authority to regulate off-road mobile sources of emissions in the California Clean Air Act (CCAA) of 1988 as codified in the Health and Safety Code (HSC) Sections 43013 and 43018. Included in the off-road category are construction and farm equipment, marine vessels, locomotives, utility engines, off-road motorcycles, and off-highway vehicles.

The utility and lawn and garden (utility) engine regulations were originally approved by the ARB on December 14, 1990, and became effective on May 31, 1992. The utility engine regulations include exhaust emission standards, and provisions for emission test procedures, labels, warranty and compliance programs. The utility engine regulations, as initially

adopted, applied to engines produced on or after January 1, 1994. However, upon consideration of a petition filed by industry, the ARB, in April 1993, delayed implementation for one year, making the regulations applicable to engines produced on or after January 1, 1995.

Since the adoption of the utility engine regulations, new test procedures have been adopted by two standards organizations, the U. S. Environmental Protection Agency (USEPA) has proposed emission standards and procedures for new small utility engines sold in other states, and gasoline sold in California has been reformulated. These events impact ARB's utility engine regulations, and as a result, regulatory changes are being proposed. In addition, experience with the current regulations has identified areas which would benefit from clarification.

The staff proposes, among other things:

Amending the regulations and test procedures to permit gaseous-fueled (i.e., natural gas) engines to certify to the total hydrocarbon standard on the basis of the non-methane hydrocarbon (NMHC) portion of the exhaust emissions, using an alternative test procedure that is proposed by the engine manufacturer. Evaluations of such certifications may be used to develop and implement a separate NMHC standard in the future.

Incorporating the recently approved Society of Automotive Engineers' (SAE) small engine emission test procedures, J1088, "Test Procedure For The Measurement of Gaseous Exhaust Emissions From Small Utility Engines", dated February 1993, and the International Standards Organization's (ISO) 8178-1 test procedure on particulate matter (PM) sampling methods[1]. The SAE procedures set forth the most current test methods and engine cycles and are more representative of utility engine operation than the ARB adopted procedures. The ISO sampling methods would correct inconsistencies that exist in the current PM procedures.

Amending the current test procedures to allow emission tests that use the same fuels as are allowed currently for on-road motor vehicle tests, specifically Phase II gasoline.

Amending the regulations to better delineate the specific label requirements and responsibilities of manufacturers. The amendments include revisions that identify clearly the three different types of emission labels (i.e., engine, supplemental engine, and fuel), and the content, attachment locations, durability, and visibility requirements associated with each label.

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1 Ref.: ISO documents 8178-1, "Reciprocating Internal Combustion (RIC) Engines -- Exhaust Emission Measurement", Part 1, "Test Bed Measurement of Gaseous and Particulate Exhaust Emissions From RIC Engines", November 11, 1992.

Amending the assembly-line quality-audit test procedures to clarify, among other things, the requirements for engine family compliance, and the requirements for low-volume production.

Amending the compliance procedures to ensure compliance of engines with adjustable engine parameters.

Amending the penalty provisions to clarify that penalties may be imposed upon the responsible engine or equipment manufacturer when an engine family is found to be in noncompliance.

No federal requirement exists at this time. Accordingly, there is no conflict or duplication between the proposed amendments and current federal regulations. However, federal regulations have been proposed and are currently under consideration (see 59 Fed.Reg. 25399, May 16, 1994). The proposed federal regulations are not significantly different from the regulation being proposed by the ARB.

AVAILABILITY OF DOCUMENTS AND CONTACT PERSON

The ARB staff has prepared a Staff Report which includes the initial statement of reasons for the proposed action and a summary of the impacts of the proposal. The Staff Report and the entire text of the proposed regulations are available for inspection, and may be obtained from the ARB's Public Information Office, 2020 L Street, Sacramento, CA 95814, (916) 322-2990, at least 45 days prior to the scheduled hearing.

The Air Resources Board has determined that it is not feasible to draft the regulation in plain english due to the technical nature; however, a plain english summary of the amendments is available from the contact person named below.

Further inquiries regarding this matter should be directed to Ms. Jackie Lourenco, Manager, at (818) 575-6632, or Mr. Ronald Haste, Staff Engineer, Off-Road Controls Section, at (818) 575-7067.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The Executive Officer has determined that the proposed regulatory action will not create costs or savings, as defined in Government Code section 11346.5(a)(6), to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code, or other nondiscretionary savings to local agencies.

The Executive Officer has also determined that adoption of the proposed amendments will not have a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states. Indeed, the proposed amendments are expected to benefit the affected industries by clarifying existing regulatory procedures to reflect present industry practice.

In accordance with Government Code section 11346.54, the Executive Officer has determined that the regulatory action will not affect the creation or

elimination of jobs within the State of California, the creation of new businesses or the elimination of existing businesses within California, or the expansion of businesses currently doing business in California.

Finally, the Executive Officer has determined that there will be no, or an insignificant, potential cost impact, as defined in Government Code section 11346.53(e), on private persons or businesses directly affected resulting from the proposed action.

In addition, before taking final action on the proposed regulatory action, the ARB must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing. To be considered by the ARB, written submissions must be addressed to and received by the ARB Secretary, Air Resources Board, P. O. Box 2815, Sacramento, CA 95812, no later than 12:00 noon, July 27, 1994, or received by the ARB Secretary at the hearing.

The ARB requests but does not require that 20 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing. The ARB encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND HEARING PROCEDURES

This regulatory action is proposed under that authority granted in Health and Safety Code Sections 39600 and 39601. The regulations are proposed to implement, interpret and make specific Health and Safety Code Section 43013, 43017 and 43018.

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Title 2, Division 3, Part 1, Chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the ARB may adopt the regulatory language as originally proposed, or with nonsubstantial or grammatical modifications. The ARB may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event the full regulatory text, with the modifications clearly indicated, will be made available to the public, for

written comment, at least 15 days before it is adopted. The public may request a copy of the modified regulatory text from the ARB's Public Information Office, 2020 L Street, Sacramento, CA 95814, (916) 322-2990.

CALIFORNIA AIR RESOURCES BOARD

for James D. Boyd
Executive Officer

Date: May 31, 1994